

# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Engrossed House Bill 1182 be amended to read as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3       "SECTION 1. IC 33-5-8.5 IS ADDED TO THE INDIANA CODE  
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2000]:  
6       **Chapter 8.5. Blackford Superior Court**  
7       **Sec. 1. There is established a court of record to be known as the**  
8 **Blackford superior court (referred to as "the court" in this**  
9 **chapter). The court may have a seal containing the words**  
10 **"Blackford Superior Court, Blackford County, Indiana".**  
11 **Blackford County comprises the judicial district of the court.**  
12       **Sec. 2. (a) The court has one (1) judge, who shall be elected at**  
13 **the general election every six (6) years in Blackford County. The**  
14 **judge's term begins January 1 following the election and ends**  
15 **December 31 following the election of the judge's successor.**  
16       **(b) To be eligible to hold office as judge of the court, a person**  
17 **must be:**  
18       **(1) a resident of Blackford County;**  
19       **(2) less than seventy (70) years of age at the time of taking**  
20 **office; and**  
21       **(3) admitted to the practice of law in Indiana.**  
22       **Sec. 3. (a) Except as provided in subsection (b), the court has the**  
23 **same jurisdiction as the Blackford circuit court.**  
24       **(b) The Blackford circuit court has exclusive juvenile**  
25 **jurisdiction.**  
26       **Sec. 4. The judge of the court has the same powers relating to**  
27 **the conduct of the business of the court as the judge of the**  
28 **Blackford circuit court. The judge of the court also may administer**  
29 **oaths, solemnize marriages, and take and certify acknowledgments**  
30 **of deeds.**  
31       **Sec. 5. The judge of the court shall appoint a bailiff and an**

1 official court reporter for the court. The judge may appoint a  
 2 referee, commissioner, or other personnel as the judge considers  
 3 necessary to facilitate and transact the business of the court. Their  
 4 salaries shall be fixed in the same manner as the salaries of the  
 5 personnel for the Blackford circuit court. Their salaries shall be  
 6 paid monthly out of the treasury of Blackford County as provided  
 7 by law. Personnel appointed under this section continue in office  
 8 until removed by the judge of the court.

9 Sec. 6. The clerk of the court, under the direction of the judge of  
 10 the court, shall provide order books, judgment dockets, execution  
 11 dockets, fee books, and other books for the court, which shall be  
 12 kept separately from the books and papers of other courts.

13 Sec. 7. The court shall hold its sessions in the Blackford County  
 14 courthouse in Hartford City, Indiana, or in such other places in the  
 15 county as the Blackford county executive may provide. The county  
 16 executive shall provide and maintain a suitable courtroom and  
 17 other rooms and facilities, including furniture and equipment, as  
 18 may be necessary. The Blackford County fiscal body shall  
 19 appropriate sufficient funds for the provision and maintenance of  
 20 these rooms and facilities.

21 Sec. 8. The jury commissioners appointed by the judge of the  
 22 Blackford circuit court shall serve as the jury commissioners for  
 23 the court. Juries shall be selected in the same manner as juries for  
 24 the Blackford circuit court. The grand jury selected for the  
 25 Blackford circuit court shall also serve as the grand jury for the  
 26 court as may be necessary.

27 Sec. 9. The judge of the Blackford circuit court may, with the  
 28 consent of the judge of the court, transfer any action or proceeding  
 29 from the circuit court to the court. The judge of the court may,  
 30 with the consent of the judge of the circuit court, transfer any  
 31 action or proceeding from the court to the circuit court.

32 Sec. 10. The judge of the Blackford circuit court may, with the  
 33 consent of the judge of the court, sit as a judge of the court in any  
 34 matter as if the judge of the circuit court were an elected judge of  
 35 the court. The judge of the court may, with the consent of the judge  
 36 of the circuit court, sit as a judge of the circuit court in any matter  
 37 as if the judge of the court were an elected judge of the circuit  
 38 court.

39 Sec. 11. The court has a standard small claims and  
 40 misdemeanor division."

41 Page 7, between lines 7 and 8, begin a new paragraph and insert:

42 "SECTION 12. [EFFECTIVE JULY 1, 2000] (a) On July 1, 2000,  
 43 the Blackford county court is abolished.

44 (b) Any case pending in the Blackford county court after the  
 45 close of business on June 30, 2000, is transferred on July 1, 2000,  
 46 to the Blackford superior court established by this act. All cases  
 47 transferred under this SECTION that are eligible to be heard by  
 48 the standard small claims and misdemeanor division shall be

1 transferred to the standard small claims and misdemeanor division  
2 of the court. A case transferred under this SECTION shall be  
3 treated as if the case were filed in the Blackford superior court.

4 (c) On July 1, 2000, all property and obligations of the  
5 Blackford county court become the property and obligations of the  
6 Blackford superior court.

7 (d) The initial judge of the Blackford superior court added by  
8 this act shall be the person who is the Blackford county court judge  
9 on June 30, 2000. The term of the initial judge begins July 1, 2000,  
10 and ends December 31, 2004. The initial election of a judge for the  
11 Blackford superior court added by this act shall be the general  
12 election conducted on November 2, 2004. The term of the initial  
13 elected judge begins January 1, 2005."

14 Renumber all SECTIONS consecutively.

(Reference is to EHB 1182 as printed February 11, 2000.)

---

Senator FORD